

CITY OF JOHNS CREEK
COUNCIL MEETING
November 29, 2010 @ 7:00pm

The City of Johns Creek Mayor and Council held a monthly meeting on Monday, November 29, 2010. The meeting was held at 7:00pm in the City Hall Council Chambers located at 12000 Findley Road, Suite 300 in Johns Creek, Georgia.

COUNCIL PRESENT: Post 1-Randall Johnson- **Absent**
Post 2-Dan McCabe
Post 3-Karen Richardson
Post 4-Ivan Figueroa
Post 6-Bev Miller
Mayor Mike Bodker

STAFF PRESENT: City Clerk Joan Jones
City Manager, John Kachmar
City Attorney Bill Riley

PLEDGE OF ALLEGIANCE: Led by Lisa Muzi, Mrs. Georgia, United States

OPENING REMARKS: Mayor Bodker welcomed everyone back from a safe Thanksgiving holiday. He mentioned tonight's holiday lighting and chorus performance was the kick-off of our Founders Week activities, thanked the Dolvin Elementary School for their performance and invited everyone to attend the Founders Day parade on Saturday. The Mayor wished everyone a Happy Hanukah and acknowledged the city IT staff, Jason Woolums and John Umphlett for working tirelessly for several weeks to complete the transition of the city's new network system. The Mayor recognized the young artists from Findley Oaks and Ocee Elementary Schools who submitted holiday card designs used to create a montage for the Council's Holiday greeting card and an oversized version that will be mailed to military personnel. He reminded everyone the parade steps off at 10:00am on Saturday and will feature award winning schools bands and the famous Chicago Fire Department Fife and Drums. In closing, the Mayor congratulated the Chattahoochee High School Cougars Football team for their 37-14 win this weekend and wished them luck as they head to the State semifinals and sent well wishes to the Council candidates in the election run-off.

MINUTES: Council Member McCabe motioned, seconded by Council Member Figueroa to approve the November 8, 2010 Work Session Summary and Council Minutes as presented. There being no discussion, the motion carried unanimously.

MEETING AGENDA APPROVED: Council Member Figueroa motioned, seconded by Council Member Miller to amend the meeting agenda to add an EXECUTIVE SESSION to discuss one (1) litigation matter. There being no discussion, the motion passed unanimously and the amended agenda was approved.

PUBLIC COMMENT: Mark Endres commented on the approval of the Safebuilt Contractor and commended Council for outsourcing this service and he recommended the city consider using private inspection services.

CONSENT AGENDA: Council Member Johnson motioned, seconded by Council Member Figueroa, to approve the Consent Agenda, which included, ***ACTION ITEM***-Approve contract

with Mauldin & Jenkins for Audit Services for Fiscal Year 2010. There being no discussion, the motion carried unanimously and the Consent Agenda was approved.

ANNOUNCEMENTS: City Clerk Jones announced the following meetings:

- *Tuesday, 12/7/10 5:00pm — RPAC*
- *Tuesday, 12/7/10 7:00pm — Planning Commission*
- *Monday, 12/13/10 @ 5:00pm — Work Session, 7:00pm — City Council Meeting*

REPORTS & PRESENTATIONS: Rick Bradshaw, President/CEO, Managing Partner TPA Reality discussed Gwinnett Tech. Mr. Bradshaw said TPA will be responding to a RFP issued by the North Fulton Chamber of Commerce seeking a site for a Gwinnett Tech education facility in North Fulton. He said a recent report released by the Georgia Technology College Commission said North Fulton was underserved for technology colleges. Mr. Bradshaw said the job readiness of the students who attend technology schools would be beneficial to the community. He said TPA has property available which meets the current needs and future growth need for the school. Council had questions about funding for the project, projected student body and said the project would be a good utilization of available land, provide a source for work force, and would be inclined to support it but would need further information regarding traffic and/or other impact on the City. It was mentioned there was a mandatory bid meeting on Friday and Council had no objections to a staff member attending.

OLD BUSINESS: No Old Business.

NEW BUSINESS: The Following contracts discussed at tonight's Work Session were presented as Action Items for Council's Consideration; Safebuilt-Contract for Building Inspection Services; Roadworx-Contract for Maintenance of Traffic Signals and Signs; Peek Paving; Contract for Maintenance of Pavement Markings; Optech Monette, LLC- Contract for Maintenance of Right-of-Way Mowing/Storm Drains and Maintenance of City Parks; and Blount-Contract for Roadway Maintenance.

As these items were discussed at tonight's Work Session, Council did not require an additional presentation. There was discussion to approve the Action Items in a composite motion and City Attorney Riley requested adding language to allow flexibility for legal to clarify terms if necessary. Regarding the discussion of a composite motion, Council Member Miller recommended as Safebuilt contract is for professional services and the others are for maintenance, a separate motion may be in order and motioned, seconded by Council Member Richardson to approve the Action item approving the Safebuilt Contract for Building Inspection Services. There was discussion to include language approval is subject to the final review and revisions by the City Manager and City Attorney. There being no further discussion, the motion carried unanimously. (***ACTION ITEM***)

Council Member Figueroa made a motion for a composite motion to approve the Action Item to approve the following maintenance contracts: Contract with Roadworx—Traffic Signal and signs; Contract with Peek Paving—Pavement Markings; and Contract with Optech- Right-of-Way mowing/storm drain and City Parks and Road Maintenance subject to the City Manager and City Attorney negotiating the final terms of such contracts, seconded by Council Member Miller. There being no further discussion, the motion carried unanimously. (***ACTION ITEMS***)

EXTENSION OF MOU WITH CH2M HILL: Assistant City Attorney Hastey informed Council the request for the extension to December 13th includes the same terms outlined in extensions requests previously approved by Council. It was mentioned the contract terms have

been finalized and will be presented to Council for review. Council Member McCabe motioned, seconded by Council Member Figueroa to approve the Action Item approving the extension of the Memorandum of Understanding with CH2M Hill. There being no further discussion, the motion carried unanimously. (*ACTION ITEM*)

RESOLUTION TO AUTHORIZE GENERAL FUND ADVANCE OF ONE HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$175,000) TO E-911 FUND: Finance Director Monte Vavra presented on Resolution 2010-11-61 authorizing the General Fund advance of One Hundred Seventy-five Thousand Dollars to the E-911 Fund to provide funding for the Joint public safety and judicial facilities authority for the cities of Sandy Spring and Johns Creek. Director Vavra informed council the collection of E-911 fees has fallen short of the projections and the joint authority needs an infusion of working capital to continue operating. Council discussed the current and possible future impact of the current economy on the collection of fees and the fact the \$1.50 fee attached to cell phones to fund E-911 has not increased for 30 years, although other operating costs have increased. Council Member McCabe motioned, seconded by Council Member Richardson to approve Resolution 2010-11-61 to authorize the General Fund Advance of One Hundred and Seventy-Five Thousand Dollars (\$175,000) to the E-911 Fund presented this evening. There being no further discussion, the motion carried unanimously. (*RESOLUTION 2010-11-61*)

ORDINANCE TO AMEND THE FISCAL YEAR 2011 BUDGET FOR THE E-911 FUNDS: Finance Director Vavra presented and informed Council the Ordinance grants the authority to transfer and distribution of the funds to E-911. Council Member McCabe motioned, seconded by Council Member Miller to approved Ordinance 2010-11-23 to amend the Fiscal Year 2011 Budget for the E-911 Funds of the City of Johns Creek, Georgia, Appropriating the Expenditures, Adopting the Revised Anticipated Revenues for the E-911 Fund. There being no further discussion, the motion carried unanimously. (*ORDINANCE 2010-11-23*)

RIGHT-OF-WAY ABANDONMENT ADJACENT TO 825 DEWFIELD COURT: A public hearing and consideration of the Right-of way abandonment of property adjacent to 825 Dewfield Court was held. Public Works Director Ken Hildebrandt informed Council an application for abandonment was filed by residents adjacent to this property. He said there is plan to use this strip of land for public access. The abandonment application was processed consistent with the land abandonment guidelines previously established by Council.

Mayor Bodker opened the public hearing in consideration of the Right-of-way-abandonment of property adjacent to 825 Dewfield Court and asked for those wishing to speak on behalf of the application. Mr. Michael Doming attorney for the applicant addressed Council saying he was in support of the application and was on hand to answer questions. As there was no one else wishing to speak the Mayor Bodker closed the public hearing. (*ACTION ITEM*)

DISPOSITION OF RIGHT-OF-WAY PROPERTY ADJACENT TO 825 DEWFIELD COURT: Director Hildebrandt presented and informed Council a property assessment was completed consistent with the City's land abandonment process, and the fair market value for 50-foot strip of land was \$2,742.90. Council Member Richardson motioned, seconded by Council Member Miller to approve Resolution 2010-11-62 for the disposition of right-of-way property adjacent to 825 Dewfield Court. There being no discussion, the motion carried unanimously. (*RESOLUTION 2010-11-62*)

Mayor Bodker nominated Mary Shevlin to serve on the Board of Zoning Appeals to cover the unexpired term of Chip Floyd who was appointed to the Planning Commission. Council Member Miller motioned, seconded by Council Member Figueroa to approve Resolution 2010-

11-63 approving the nominee Mary Shevlin to the Board of Zoning Appeals, Post G. There being no further discussion, the motion carried unanimously. (***RESOLUTION 2010-11-63***)

OTHER BUSINESS: Council Member McCabe thanked Communications Director Grant Hickey and all staff for their work in preparation of the Founders Day parade network system.

PUBLIC COMMENT: Mark Endres commented on the costs associated with production of a promotional video produced to promote the city and the use of hotels located in the city during the 2011 PGA Championship and suggested Council consider streaming the meetings.

MAYOR'S COMMENT: The Mayor thanked staff for all their work, wished everyone a happy holiday and reminded citizens to participate in the Founder Week activities and attend the parade.

EXECUTIVE SESSION: Council Member Miller motioned, seconded by Council Member McCabe to adjourn to Executive Session to discuss one (1) litigation matter. There was no discussion and the motion carried unanimously.

Council Member McCabe motioned to come out of Executive Session and resume Regular Session. Council Member Richardson seconded, the motion carried unanimously.

There being no further business, Council Member McCabe made a motion to adjourn the meeting, Council Member Miller seconded this motion. The motion carried unanimously and the meeting was adjourned.

Approved:

Attest:

Michael E. Bodker, Mayor

Joan C. Jones, City Clerk